

STATE OF WISCONSIN

IMPAIRED DRIVING

ASSESSMENT

March 31 – April 4, 2003

National Highway Traffic
Safety Administration
Technical Assistance Team

Chief Arthur Anderson
Linda L. Chezem, J.D.
Clayton E. Hatch
Robert P. Lillis
Sheridan Rhoads

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Although the Team realizes that the assessment is a critique of all OWI-related activities, the Team wishes to commend those involved in the day-to-day functions of reducing impaired driving in Wisconsin.

The Team believes that this report will contribute to the State's efforts to enhance the effectiveness of the impaired driving program in preventing injuries, saving lives, and reducing economic costs of motor vehicle crashes on Wisconsin's roadways.

INTRODUCTION

In 2001, 42,116 persons were killed, and an additional 3.0 million persons were injured in motor vehicle crashes in the United States. Motor vehicle injuries are the leading cause of death for individuals from ages 5 through 27. Motor vehicle crashes are the principal cause of on-the-job fatalities, and are the leading cause of unintentional death in the United States. Alcohol was involved in approximately 41 percent (17,448) of the total number of traffic fatalities and responsible for in excess of three hundred thousand injuries in 2001. The economic cost of motor vehicle crashes each year is more than \$150 billion.

NHTSA's goal is to reduce the number of alcohol-related motor vehicle crashes and resulting fatalities and injuries. In its on-going pursuit of achieving this goal, NHTSA continues its program of providing Technical Assistance Teams to states. This approach allows the states to use highway safety funds to support the team's evaluation of existing and proposed alcohol and drug-impaired driver control efforts.

NHTSA acts as a facilitator, assembling a multi-disciplinary team of national experts who have demonstrated their competence in impaired driving program evaluation and development. The team conducts a comprehensive review of the State's impaired driving program identifying strengths, areas in which the program can be improved, and provides recommendations to enhance the program.

In 1993, the State of Wisconsin held its first assessment. Through its Bureau of Transportation Safety, Wisconsin requested NHTSA's assistance in re-assessing the State's alcohol and drug impaired driving program. NHTSA agreed to facilitate the technical review that was conducted in Madison, Wisconsin, March 30- April 4, 2003. The Technical Assistance Team conducted the review, with the assistance of NHTSA facilitators, and met with the Director of the Bureau of Transportation Safety and staff to define the key issues of concern to the State.

The Bureau of Transportation Safety arranged for program representatives (see Agenda) to deliver briefings and respond to questions from the team on a wide range of topics over a three-day period. The team used NHTSA's Impaired Driving Assessment Program Advisory Guidelines, and the information presented during the briefings, to assess the status of the program. Recommendations to improve Wisconsin's impaired driving program were presented orally and in writing to the Assessment team, staff of the Wisconsin Bureau of Transportation Safety, and other interested parties. This re-assessment includes a review of the recommendations from the 1993 assessment. Those recommendations are commented on in the narrative section of the final report where appropriate.

Wisconsin Demographics:

On May 29, 1848, Wisconsin became the 30th state in the Union, but the State's written history dates back more than 300 years to the time when the French first encountered the diverse Native Americans who lived here. In 1634, the French explorer John Nicolet landed at Green Bay, reportedly becoming the first European to visit Wisconsin. The French ceded the area to Great Britain in 1763, and it became part of the United States in 1783. First organized under the

Northwest Ordinance, the area was part of various territories until creation of the Wisconsin Territory 1836.

After statehood, Wisconsin remained largely agricultural with wheat as the primary crop, until after the civil war when dairying gradually became the primary agricultural pursuit in the State. In addition to agriculture, Wisconsin is historically one of the nation's leading producers of many food products, including milk, cheese, cranberries, ginseng and beer. Beer production became important in Wisconsin after the Great Chicago Fire of 1872 destroyed that city's breweries. In 1999, "Wisconsin, known as "America's Dairyland" had more milk cows than any other state in the nation except California, with almost 1.4 million head, almost 15 percent of the nation's total and ranked first nationally in the production of cheese (including 67 percent of domestic Muenster production).

Wisconsin is home of Harley Davidson Motorcycles celebrating its 100th anniversary in 2003.

Wisconsin encompasses 34.8 million acres, not including those parts of the Mississippi River and Great Lakes located within the boundaries of the State, and currently has a population of approximately 5.4 million people unevenly distributed throughout 72 counties. The largest population centers are Milwaukee, Madison (the Capitol), and Green Bay. Most of the State is rural. Despite the rural nature of the State, the population density of 98.8 people per square mile is well above the national average of 79.9.

Wisconsin's population is comprised of 88.9 percent white, 5.7 percent black or African American, 3.6 percent persons of Hispanic or Latino origin, 1.7 percent Asian and less than one percent Native American. Wisconsin has 8.7 percent of its population living below the poverty level, significantly fewer than the national average of 12.4 percent.

Highway Safety

In 2001,

- Alcohol-related crashes cost Wisconsin over \$500 million.
- 38,731 drivers were arrested for Operating While Impaired (OWI)
- 649 drivers under 18 years old were arrested for OWI.

- Wisconsin had:

Licensed Drivers:	3,835,549
Licensed Motor Vehicles:	4,946,305
Vehicle Miles Traveled:	57.266 Billion Miles

- There were:

Crashes:	125,403
Fatal Crashes:	684
Persons Killed:	764

Injury Crashes:	39,358	
Persons Injured:	58,279	
Alcohol-Related Crashes:	8,695	(6.9% of total)
Alcohol-Related Fatalities:	304	(40% of total)
Alcohol-Related Injuries	6,586	(11% of total)

PRIORITY RECOMMENDATIONS

Priority recommendations are “bolded” in individual sections.

1-A: State Program Planning

- ◆ Continue to enhance the identity of the Bureau of Transportation Safety (BOTS) as the strong voice for positive change regarding impaired driving.
- ◆ Continue to seek and encourage state and local input into the Highway Safety Plan (HSP) development process.

1-B: Program Control

- ◆ Explore methods of effectively disseminating “Best Practices” information learned from grantees.

1-C: State and Local Task Forces and Safe Communities Programs

- ◆ Continue to coordinate the efforts of the many impaired driving task forces and consolidate efforts where appropriate.

1-D: Data and Records

- ◆ Assign a high priority to the “Model System” project and insure that the many other projects planned and ongoing are coordinated with the plans for this effort.
- ◆ Communicate frequently with all partners and stakeholders to inform them of all the activities in progress and the intended benefits to them.

1-E: Evaluation

- ◆ Consider utilizing outside sources, such as a university, for assistance in program and systems evaluations.

1-F: Funding

- ◆ Increase the beer tax and dedicate a portion to enforcement, prosecution, and adjudication.

2-A: Public Information and Education for Prevention

- ◆ Implement a sustained, targeted, and coordinated PI&E campaign to address the cultural norms related to alcohol use and impaired driving.

2-D: Alcohol Availability and Responsible Alcohol Service

- ◆ Establish a task force with representation from business, public health, alcohol and substance abuse treatment and prevention, law enforcement, and traffic safety to conduct a thorough review of all laws and regulations related to the sale of alcohol and make recommendations for changes to create a balance between business interests and public health and safety.
- ◆ Repeal the section of law that allows persons under 21 to drink alcohol in licensed establishments when accompanied by a parent, guardian, or spouse over 21.
- ◆ Increase the state excise tax on beer to a level equivalent to the national average of \$.241/gallon and dedicate revenue to science-based impaired driving and alcohol abuse prevention programs.

2-E: Transportation Alternatives

- ◆ Evaluate Safe Ride programs to determine their effects on impaired driving as well as secondary effects such as alcohol-related injuries or illnesses resulting from acute intoxication and/or chronic alcohol use.

3-A: Laws to Deter Impaired Driving

- ◆ Enact legislation that will reduce the current .10 statutory BAC to .08.
- ◆ Design and carry out research with NHTSA assistance to determine the effectiveness of the civil OWI statute and any other questionable statutory provisions, such as the permitted minor service of alcohol.

3-B: Public Information and Education for Deterrence

- ◆ Establish a Governor's Task Force on Impaired Driving.
- ◆ Develop a statewide comprehensive public information and education campaign to reduce OWI injuries and fatalities.

3-C: Enforcement

- ◆ Support development of an OWI task force that will be comprised of police chiefs and law enforcement administrators.
- ◆ Encourage law enforcement agencies to make OWI a priority.

3-D: Prosecution

- ◆ Engage the prosecutors in the resolution of the blood/breath testing issue as soon as possible by providing the resources to facilitate the discussion in a positive and constructive fashion.

3-E: Adjudication

- ◆ Form a judicial workgroup charged with researching, planning, and achieving needed improvements for the improvement of adjudication of OWI. Staff support should be provided by BOTS.

4-B: Deterrence

- ◆ Consider proposing a change in the OWI Implied Consent Statutes to grant authority to DMV to administratively revoke an operator's license for refusing to submit to a chemical test.

4-C: Program Management

- ◆ Assign a high priority to the Circuit Court Automation Project to expedite the completion of an electronic records transfer capability between the courts and DMV.
- ◆ Prioritize the redesign of the driver records inquiry system for retrieving driver record abstracts. Solicit input from the judges and law enforcement officers regarding suggestions for ease of access to and interpretation of the abstracts.

1. PROGRAM MANAGEMENT

Good program management produces effective programs. Planning and coordination are especially important for impaired driving activities, since many different parties are involved. Each state's impaired driving program management system should have an established process for managing its planning (including problem identification), program control and evaluation activities. The system should address Safe Communities programs, state and local task forces, data analysis and funding.

1-A: State Program Planning

Advisory

States should develop and implement an overall plan for all impaired driving activities.

Status

The Bureau of Transportation Safety (BOTS) is located within the Division of Transportation Investment Management (DTIM) of the Wisconsin Department of Transportation (WisDOT). The WisDOT is an umbrella agency containing Wisconsin's State Highway Safety Office, better known as BOTS, the Wisconsin State Patrol (WSP) Division of Motor Vehicles (DMV) and other units that plan, construct, and maintain state highways and other transportation modes.

The Bureau of Transportation Safety is responsible for researching and developing the State's annual Highway Safety Plan (HSP). In addition, BOTS administers the state and community Highway Safety Grant Program, the Alcohol Incentive Grant Program, USDOT safety demonstration grants, USDOT safety set-aside fund programs, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Underage Alcohol Enforcement program, and several state-funded highway safety programs.

In developing the Highway Safety Plan, BOTS relies upon data obtained from crash reports, as well as driver license file data, to conduct the problem identification process. Based on these and other available data, annual and long-range goals and performance measures are established.

BOTS uses the following prescribed system for HSP development leading to target selection for grants:

- Traffic Safety Problem Identification
- Goal and Objective Development
- Strategy Selection
- Activity and project development, including evaluation components
- HSP review and approval (up to and including the Secretary of Transportation)

BOTS has staff with data and research capabilities, which greatly helps in quickly producing credible data for use in identifying problems. Program staff also rely on their own experience to determine where scarce resources can be placed to assist in improving system support efforts.

There appears to be input and review from outside BOTS in developing the HSP. In addition, there are five Regional Program Managers located strategically throughout the State to assist with problem ID and “marketing” highway safety programs.

In reviewing the current HSP, it is noted that planning for Public Information and Education (PI&E) to support specific projects and efforts is well documented. What is not as readily evident is an overall plan for PI&E to support and enhance the total highway safety program to further the public’s knowledge and support regarding impaired driving.

As explained in the HSP, the project selection process is currently not competitive and does not contain written criteria for funding. This is currently under study. BOTS is reevaluating its funding process and is preparing to test a proposed Request for Proposal process for the 2004 HSP.

Recommendations

- ◆ **Continue to enhance the identity of the Bureau of Transportation Safety as the strong voice for positive change regarding impaired driving.**
- ◆ **Continue to seek and encourage state and local input into the HSP development process.**
- ◆ Develop a PI&E plan for encouraging public support for improving impaired driving programs in Wisconsin.
- ◆ Field-test and evaluate the Request for Proposal process for project selection to assure assistance to small counties.

1-B: Program Control

Advisory

States should have established procedures for systematic monitoring and review of ongoing programs to ensure that program activities are implemented as intended.

Status

The Bureau of Transportation Safety (BOTS) has established a process for requiring the submission of progress reports from each project director. Progress toward meeting stated goals and objectives is closely monitored. If insufficient activity has taken place, cost reimbursement can be directly affected. In addition, each of the five Regional Program Managers maintain regular contact with the project directors, including on-site visits.

This process ensures the project objectives are being met. It also allows for adjustments to the project, as well as cancellation if necessary.

Recommendations

- ◆ Continue to aggressively monitor and review approved grants for effectiveness.
- ◆ **Explore methods of effectively disseminating “Best Practices” information learned from grantees.**

1-C: State and Local Task Forces and Safe Communities Programs

Advisory

States should encourage the development of state and community impaired driving task forces and Safe Communities Programs.

Status

The State of Wisconsin currently has no impaired driving standing committees created by statute or Executive Order. However, there are numerous state-level professional associations, task forces, and committees that provide advice and address impaired driving in a variety of ways. In addition, there is a Wisconsin Traffic Safety Officers Association that is currently under expansion. There is also a Traffic Law Enforcement Task Force that includes 32 agencies and serves in an advisory capacity.

Locally, several Safe Communities coalitions, as well as county and city task forces, have been established to address community impaired driving issues. Also, several local law enforcement task forces have been established specifically to assist in implementing impaired driving enforcement efforts. Each of several state and federal funding streams has resulted in local coalitions and task forces addressing alcohol and substance abuse, comprehensive school health, injury control, and others. The BOTS Youth Coordinator is a member of many of these coalitions.

Recommendations

- ◆ Establish a statewide, high level, impaired driving advisory committee to provide advice and support for policy decisions.
- ◆ Encourage the development of additional local task forces or Safe Communities coalitions to address community impaired driving issues. Also, where possible, provide some level of technical support to them.
- ◆ **Continue to coordinate the efforts of the many impaired driving task forces and consolidate efforts where appropriate.**

1-D: Data and Records

Advisory

States should establish and maintain records systems for crashes, arrests, dispositions, driver licenses and vehicle registrations. Especially important are tracking systems that can provide information on every driver arrested for DUI to determine the disposition of the case and compliance with sanctions. These records systems should be accurate, timely, able to be linked to each other, and readily accessible to police, courts, and planners.

Status

Crash Data

The State's motor vehicle traffic crash file is maintained by the Traffic Accident Section (TAS) within the Division of Motor Vehicles (DMV). All crashes involving a fatality, an injury, or property damage of \$1,000 or more (\$400 damage to government property) are investigated and reported to the DMV by the law enforcement agencies throughout the State. The TAS file is the primary source for crash statistics, including the annual *Wisconsin Traffic Crash Facts* publication.

Presently, all crashes are reported on paper forms, the Wisconsin Motor Vehicle Accident Report, Form MV4000. Although data are generally available within a few months after the close of a calendar year, the State has realized the need for more current data. Accordingly, the State is in the process of developing a completely automated crash data collection and reporting system using the TraCS (Traffic and Criminal Software) National Model software. When implemented, this will provide for fully electronic capture, recording, and reporting of crash data. This will provide significantly more timely data for statistical reports, publications, and other analytical tabulations. It will also provide other benefits through some of the enhanced capabilities offered by TraCS, such as the recording of locations using Global Positioning System (GPS) coordinates.

The State has completed Phase I of TraCS implementation that involved the development of an internal data entry system for driver reported crashes. It is now in Phase II that provides for entry of data from police crash reports into the TraCS format. It is now 80 percent complete with full implementation expected in July 2003. Phase III of this project will automate the data collection at the police officer level, creating an automated version of the MV4000 from mobile data computers. The State intends to start a pilot test in two or three agencies by the end of 2003, with full implementation of the project during 2004.

Statistics from the *2001 Wisconsin Alcohol Traffic Crash Facts Book* show that there were 125,403 motor vehicle crashes in 2001, of which 8,695 were alcohol-related. In the *2001 Wisconsin Alcohol Traffic Crash Facts Book*, an alcohol-related crash is defined as "one in which the investigating officer perceived that a driver, pedestrian, or bicyclist involved in the crash had been drinking alcohol prior to the crash." Computation of the number of alcohol-related crashes is based on the reporting officers' observations that alcohol was present as noted

in the Driver Condition block on the crash form. While this means of defining alcohol-related crashes is fairly common, other factors should be included in the equation. In particular, it should include the fact of an issuance of an OWI citation to give a more accurate count in those instances when the officer may not make the notation in the “Driver Condition” block.

Furthermore, the addition of a field for recording the Uniform Traffic Citation (UTC) number on the crash form would permit cross checking with citation data. This would have additional benefits such as determining BAC levels of drivers in non-fatal crashes since there is practically no BAC data in the crash file for non-fatal crashes. As noted below in the discussion of arrest data, the addition of location data on citation forms would provide the means to compare locations where alcohol-related crashes are occurring with locations where OWI arrests are being made.

BAC Data in Crashes

The State has excellent data on BAC levels in fatal crashes. Based on testimony given, Wisconsin law requires that alcohol concentration tests be performed on all fatally injured drivers in motor vehicle crashes. The State also requires a Motor Vehicle Fatal Supplement Report that collects surviving driver information, including BAC results when appropriate. Accordingly BAC data on both surviving and fatally injured drivers in motor vehicle traffic crashes are readily available in both the state crash file and the FARS data at NHTSA.

However, BAC data on drivers cited for OWI in non-fatal crashes are practically non-existent. When a crash involved driver is arrested for OWI, the officer notes the statute number on the crash form but the BAC data are usually not available at the time the officer submits the crash report. Since there is no supplemental reporting procedure for later entry of the BAC level, the data do not exist to compute BAC levels for crash involved drivers arrested for OWI. Addition of this information would enable the State to better quantify the role of alcohol in motor vehicle traffic crashes.

Arrest and Conviction Data

In order to effectively manage its impaired driving problem, a state must have a system to record every OWI arrest and to track all subsequent activity associated with each arrest from issuance of the citation by a law enforcement officer to initial court filing, judicial disposition, licensing action, and completion of all sanctions. The State of Wisconsin has several systems in place as well as several projects in progress that conceptually will ultimately serve the State’s needs in that regard extremely well.

It must be acknowledged that the arrest and conviction data collected by the State and published in the annual *Wisconsin Alcohol Traffic Crash Facts Book* are extremely valuable and beyond what many states can produce about the judicial outcomes of their OWI arrests. Typically, a state can only produce information on arrests or convictions but does not have data to display the outcomes of every adjudicated case that is readily and broadly available. However, as excellent and valuable as the impaired driving statistics are, the State must rely on very complicated, questionably accurate, unwieldy and time consuming means. For example, data are not entered

on an arrest until the case is adjudicated and the disposition record has been sent from the court. Consequently, in order to determine whether cases are received on all OWI citations, the DMV must rely on two sets of data.

One set is a record of the OWI arrest created from the Notice of Intent to Suspend submitted by the arresting officer. This initial notice is received only in OWI arrests where the offender has failed the BAC test. For OWI arrests where the offender has refused an alcohol concentration test, a copy of the Notice of Intent to Revoke in those cases is sent to the WSP Chemical Test Section as well as the court and the District Attorney. Thus the tracking of “open arrests” requires checking against these initial Notices residing in two separate locations.

The State has recently been awarded a contract by NHTSA to develop a “Model Impaired Driving Records Information System.” Successful implementation of this project will greatly improve the ability to not only track citations, but also to more efficiently produce more accurate statistics on the State’s OWI arrests and their dispositions. The system to be implemented is based on a conceptual design developed by NHTSA. The intent is to have an information system that provides for the timely and efficient transmission of information from the organization involved in a given step in the arrest/adjudication/sanctioning process to the organization(s) at the next step. Such “tracking” systems support specific deterrence by ensuring that the appropriate charges and sanctions are applied to a particular offender, and that the offender complies with all imposed penalties.

Other efforts underway may overlap or conflict with this new “Model System” effort. The plans for developing a TraCS version of the citation form and the Circuit Court Automation Project (CCAP) are two examples. These projects need to be examined in light of this Model System project and coordinated carefully, possibly requiring some redirection. This is essential to avoid costly duplication and to insure that these separate systems are designed to be mutually beneficial among all partners and stakeholders. For example, the Uniform Traffic Citation form does not presently contain a field to record the location of the arrest. The TraCS version should be designed to include this field, and the formats for transmission from law enforcement to the courts and from the courts to the DMV need to be similarly designed.

In summary, the State is to be commended for the excellent data it is able to produce related to alcohol-related crashes and OWI arrests and convictions. It is also to be commended for the initiatives underway that promise to provide the State with tremendous data resources in the future to manage its impaired driving programs. However, testimony left the impression that many of the partners and stakeholders were not aware of these activities. The following recommendations are offered in the spirit of assisting in these efforts, providing they are carefully coordinated.

Recommendations

- ◆ Expedite the implementation of the TraCS system for crash reporting to the extent possible.
- ◆ Revise the software algorithm for counting alcohol-related crashes to include checking

- for the issuance of OWI citations.
- ◆ Design and implement a procedure for updating the crash file with BAC data on crash involved drivers arrested for OWI.
 - ◆ Include a field on the new electronic crash report format to record the Uniform Traffic Citation Number.
 - ◆ Include a field on the new electronic citation report format to record location data.
 - ◆ **Assign a high priority to the “Model System” project and insure that the many other projects planned and ongoing are coordinated with the plans for this effort.**
 - ◆ **Communicate frequently with all partners and stakeholders to inform them of all the activities in progress and the intended benefits to them.**

1-E: Evaluation

Advisory

States should evaluate all impaired driving system activities regularly to ensure programs are effective and resources are allocated appropriately.

Status

The Bureau of Transportation Safety (BOTS) staff thoroughly analyzes impaired driving data during the development of the Highway Safety Plan (HSP). This analysis is also used in developing targets and strategies for grant development. Therefore, a baseline of data exists which allows each grantee to measure levels of success. Evaluation guidance is provided for each funded project.

BOTS is fortunate to have staff with capabilities to provide data to measure project effectiveness. Baseline data are not yet available for many behavioral interventions; however, steps are underway to develop these data.

Recommendations

- ◆ Continue to ensure that appropriate evaluation methodologies are selected for each funded project.
- ◆ Continue to provide timely data to grantees and other users.
- ◆ **Consider utilizing outside sources, such as a university, for assistance in program and systems evaluations.**

1-F: Funding

Advisory

States should allocate funding to impaired driving programs that is adequate for program needs, steady (from dedicated sources) and, to the extent possible, paid by the impaired drivers themselves. The programs should work toward becoming self-sufficient.

Status

BOTS currently commits a sizable portion of its available funds to enhance impaired driving programs in Wisconsin. State and local governments also commit considerable resources to this problem.

Currently, no statewide self-sufficiency plan exists for the support of impaired driving programs. There is evidence to suggest that some programs have achieved a degree of self-sufficiency. There is also evidence that some enforcement efforts are continued after grant funding has ended.

There are many instances of fees being charged to support, or partially support, alcohol screening and treatment programs. However, a fully self-sufficient impaired driving program, supported substantially by offender fees, and other user fees, such as the alcohol tax, does not exist in Wisconsin.

Recommendations

- ◆ Continue to review self-sufficiency programs in other states while at the same time continuing to encourage self-sufficiency programs in Wisconsin.
- ◆ Continue to review the level of offender fees being charged to determine if some might be appropriately increased to help defray current costs.
- ◆ **Increase the beer tax and dedicate a portion to enforcement, prosecution, and adjudication.**

2. PREVENTION

Prevention programs seek to reduce impaired driving through approaches commonly associated with public health -- altering social norms, changing risky or dangerous behaviors and creating protective environments. Prevention and public health programs promote activities to educate the public on the effects of alcohol and other drugs, limit alcohol and drug availability and prevent those impaired by alcohol and other drugs from driving. Prevention programs are typically conducted in schools, work sites, medical and health care facilities and community groups. Each state should implement a system of impaired driving prevention programs and is strongly encouraged to work with the public health community to foster health and reduce traffic-related injuries.

2-A: Public Information and Education for Prevention

Advisory

States should develop and implement public information and education (PI&E) programs directed at impaired driving. Programs should start at the state level and extend to communities through state assistance, model programs and public encouragement.

Status

With the growth of science-based prevention, Public Information and Education (PI&E) has assumed a supporting, but often critical, role in prevention of impaired driving and other alcohol and drug abuse related issues. Throughout this report, there are references to the culture of Wisconsin, which is characterized by permissive attitudes and norms related to alcohol consumption. Some of this cultural image is based on anecdotal information, such as opinions of individuals, while some is supported by the extremely lax alcohol control laws described in section 2-D, and programs such the Safe Ride strategies described in section 2-E. It is critical to understand the implications of this perceived culture. Not only is alcohol made more available, but high risk use, such as drinking by young people and drinking before driving, is “normalized.”

PI&E can address far more than facts about OWI and other alcohol issues, it can lay the groundwork for long-term permanent change in the perceived role of alcohol in the lives, and deaths, of residents of Wisconsin. Several locations have recently implemented statewide multimedia “renorming” PI&E campaigns to inform residents about actual (and generally safer) norms related to drinking and driving, alcohol and other drug use, and other safety issues. The campaign is based on the principles developed for college campus Social Norming programs. Such a campaign, coupled with the excellent school and community-based prevention programs described in Section 2-B, can result in long-term positive change in the health and safety behaviors of Wisconsin residents. It would also lay the groundwork for changing the attitudes and perceptions of law enforcement, the judiciary and legislators, and policy makers at all levels.

PI&E is not an apparent priority for the traffic safety community in Wisconsin. While information about impaired driving is an integral part of the community- and school-based strategies described in section 2-B, there are no major statewide campaigns using multi-media outlets to deliver tested and targeted messages.

The Wisconsin Clearinghouse for Prevention Resources continues to be a model for access to information related to alcohol, substance abuse, and impaired driving, while the Resource Center on Impaired Driving provides access to information related to the legal aspects of impaired driving. Using web sites and multiple electronic and traditional media, information is available in formats suitable for researchers, policy makers, parents, youth and the general public.

Recommendations

- ◆ **Implement a sustained, targeted, and coordinated PI&E campaign to address the cultural norms related to alcohol use and impaired driving.**
- ◆ Support continued operation of the Wisconsin Clearinghouse for Prevention Resources and coordinate links to Websites and other Clearinghouse resources with community and school based prevention programs.

2-B: School Programs and Community Youth Programs

Advisory

States should ensure that education and support of student programs, preschool through college and trade schools, play a critical role in preventing impaired driving.

Status

Wisconsin's culture, featuring a permissive attitude toward alcohol, was a recurring theme throughout this assessment. Coordinated science-based prevention strategies directed at youth are critical to changing the attitudes and norms that promote high-risk drinking that leads to impaired driving and other health and safety problems.

The Bureau of Transportation Safety (BOTS) impaired driving prevention activities implemented through community- and school-based programs are the cornerstone of the impaired driving program, and are a major component of alcohol and other substance abuse prevention efforts in Wisconsin. The office provides funding and technical assistance to promote and coordinate numerous prevention strategies including:

“The Generation 2000 – Searching for the Truth” high school multi-media program features movie clips, pop music and scripts to motivate students to make healthy choices. The program has been presented at over 100 middle and high schools.

“Youth Press of Wisconsin” offers young people the opportunity to participate in local radio, television, and written media.

“Peer Theater” is a training program used to develop teams of young people to learn about healthy life choices.

“Wisconsin Teen Court” is being promoted through a Teen Court Conference providing training to current and potential Teen Court sites throughout the State.

The “Wisconsin Prevention Conference” was cosponsored by 20 organizations and addressed the theme of “Keeping Wisconsin's Promise: Building Youth as Resources.”

The “Community Youth Development Initiative” provides support to community projects that are in the early phases of developing activities to encourage healthy and positive behaviors in youth. These projects must include substantial traffic safety components and student involvement is required.

The “Comprehensive Alcohol Risk Reduction” (CARD) provides funds for overtime enforcement of underage drinking using Cops in Shops, party patrols, and other activities.

BOTS also administers the Office of Juvenile Justice and Delinquency Prevention (OJJDP) underage drinking enforcement block grant and additional competitive discretionary funds. The

program, known as “Project Forward,” assists community coalitions in developing activities to minimize youth alcohol and drug use and other risky behaviors.

The U.S. Center for Substance Abuse Prevention (CSAP) has awarded a State Incentive Grant (SIG) to Wisconsin. The award provides \$9 million for development of a statewide comprehensive prevention strategy to optimize the use of all major federal and state prevention funding sources. Wisconsin currently has \$5.6 million per year in the Federal Substance Abuse Prevention and Treatment Block Grant, \$3 million for each of three years from the SIG grant and approximately \$16 million dollars in other federal, state, and local resources. CSAP promotes a risk and protective factor framework of prevention, which addresses alcohol and substance abuse related factors in the individual, community, school, and family. SIG grants are intended to develop community coalitions that will identify needs and implement science-based prevention strategies. Successful efforts under this major initiative should reduce impaired driving by reducing risk factors and promoting protective factors.

Several communities have implemented the “Protecting You, Protecting Me” program, which is a science-based curriculum developed by Mothers Against Drunk Driving (MADD) and targeted toward children in grades K-8.

The Wisconsin Department of Health and Family Services (DH&FS) has developed five objectives to address the health priority of reducing intentional and unintentional injuries. Among these objectives is a reduction in motor vehicle related injuries by, “working in multidisciplinary partnerships that develop, implement, and evaluate safety strategies based upon data-driven, inclusive, multidisciplinary, and performance-based, decision-making process.”

The Wisconsin Department of Public Instruction (DPI) does not mandate curriculum for impaired driving or for alcohol or other substance abuse prevention. However, DPI provides manuals and technical assistance to local schools in implementing and evaluating prevention activities from within the comprehensive School Health Program framework. DPI also conducted an evaluation of peer programs in Wisconsin schools. Programs, such as Peer Education, Peer Leadership, Peer Mediation, Mentoring, and tutoring, were shown to result in reduced self-reported health risk behaviors including alcohol and other drug use, reduced use of resources devoted to student discipline, reduced referrals to counselors, fewer violent incidents, and stronger student identification with school. DPI conducts the Youth Risk Behavior Survey (YRBS) with a representative sample of students every two years. YRBS provides critical planning and evaluation data, including data related to alcohol use and driving after drinking and seatbelt use.

“Project Forward,” conducted by Marshfield Clinic’s Center for Community Outreach, is a community-based, statewide youth development initiative designed to strengthen local efforts to address behavioral health issues, particularly alcohol, tobacco, and other drug abuse and related problems. The project provides coordinators for community partnerships and places full-time AmeriCorps members in community partnerships and offers a “Youth Engagement Program” to help engage young people in the creation of change. The Center for Community Outreach also provides materials and technical assistance based on proven models of community development and change.

With such a wide variety of programs and sponsors, coordination is critical to delivering effective prevention in an efficient manner. The Wisconsin State Council on Alcohol and Other Drug Abuse (SCAODA) consists of representatives of BOTS, DHFS, DPI, and a number of other agencies. SCAODA provides an umbrella structure for coordinating this impressive variety of community- and school-based prevention initiatives. SCAODA has several subcommittees including one to help plan and implement the SIG projects.

DHFS, BOTS, and MADD formed a workgroup to address underage drinking. The group held a series of “listening sessions” to gain input for developing prevention strategies. A task force was formed with four work groups to address the issues of: 1. limiting access to alcohol; 2. community norms; 3. school-based issues and; 4. impaired driving. Task force findings will be presented to SCAODA in June of 2003.

College and university campuses in Wisconsin reflect the same permissive cultural norms related to alcohol as that described in other sections of this assessment report. University of Wisconsin campuses are not “dry” though minimum drinking age laws are enforced. University of Wisconsin College campuses do not permit alcohol on campus. Major campuses have drinking traditions and recent CORE student surveys indicate that 30 percent of students drove after drinking at least once in the past 30 days. Many campuses have prevention programs with activities such as PI&E and alcohol free events. Social Norming is the prominent approach, as it is on many campuses nationally. This approach uses findings from campus surveys to promote accurate norms of alcohol use and other behaviors.

Campuses are beginning to communicate and share ideas and experiences. A formal consortium of college prevention programs does not exist.

Young people convicted of underage drinking violations, not including OWI, may participate in the “Underage Violators Diversion Program” also known as “Youth Alcohol and Drug Education Programs.” Young offenders who choose to attend can avoid license suspension and might receive reduced fines. The program is new and no data were available to determine effectiveness.

Recommendations

- ◆ Coordinate the many school- and community-based prevention programs and develop and implement prevention strategies based on data driven needs assessments conducted under SIG, DHFS health planning, Comprehensive Community Health Programs and other state and local programs.
- ◆ Establish a College and University Prevention Consortium with coordinated planning and shared resources and materials.

2-C: Employer Programs

Advisory

States should provide information and technical assistance to all employers, encouraging them to offer programs to reduce impaired driving by employees and their families.

Status

There is currently no coordinated statewide employer safety or alcohol and substance abuse prevention program. During the 1990s, several major employers participated in the Network of Employers in Traffic Safety (NETS) but this program is no longer active. Businesses Against Drink Driving (BADD) was also active but no longer exists. The Wisconsin Council on Safety holds an annual Congress, which has recently emphasized workplace safety. The Council is a potential conduit for developing employer programs. At least one major employer operates a comprehensive employee health program with an alcohol and substance abuse intervention component.

Recommendations

- ◆ Develop a plan for implementing employer-based impaired driving, traffic safety, and alcohol and substance abuse prevention programs in Wisconsin.

2-D: Alcohol Availability and Responsible Alcohol Service

Advisory

States should promote responsible alcohol service policies and practices in the retail alcohol service industry, including package stores, restaurants and taverns, through well-publicized and enforced laws, regulations and policies.

Status

“Beer, brats and cheese.” That slogan, repeated numerous times during the information collection phase of the assessment, is intended to reflect the prominent role of alcohol, especially beer, in Wisconsin’s culture. Wisconsin’s alcohol beverage control laws are another reflection of this culture. There are 17,086 licenses to sell alcohol, which is one licensed alcohol outlet for every 316 residents in Wisconsin compared to one for every 1,100 people nationwide. There are no restrictions on alcohol promotions, such as Happy Hours, Two for One, or All You Can Drink. Wisconsin has a dram shop liability law, which allows for server liability for injuries caused by underage drinkers served at a licensed establishment. However, the law provides immunity from liability for injury resulting from serving adults regardless of their level of intoxication.

The state excise tax on beer has not been increased since 1969 and currently is set at \$2.00 per barrel. Wisconsin is tied with Missouri and second only to Wyoming for the lowest tax rate on beer. A theme heard throughout the assessment called for raising the rate as a “user fee” similar to the surcharges added to OWI fines and dedicated to various programs such as \$5 from every conviction given to the Tavern League to run Safe Ride programs. Doubling the tax rate would produce \$9.6 million in additional revenues each year and would still rank Wisconsin among the ten lowest rates. Increasing the rate to the national average of \$.241/gallon would increase revenues by \$28.9 million per year.

While all 50 states, including Wisconsin, have a 21 year old minimum drinking age, Wisconsin allows children of any age to consume alcohol in licensed establishments if a parent, guardian, or spouse who is 21 or older accompanies them. State statutes do not specify any requirement for proof of relationship between a minor and a supposed parent or spouse. While there appears to be no data representing actual amount of “legal” drinking by those under 21, this provision of the law allows, and perhaps promotes, early onset of drinking, which has been demonstrated to predict greater probability of developing alcohol abuse problems as adults. According to the 2001 Wisconsin Youth Risk Behavior Survey, 79 percent of high school students reported drinking alcohol at some time. Over 56 percent of high school students had their first drink before they were 15 years old, 28 percent before they were 13, and 16 percent before they were 10 years old.

Wisconsin was the second state to require responsible beverage server training. Server training courses are offered through the Technical Colleges and address underage sales enforcement and other components of legal and responsible service. All licensed establishments must have at least one licensed server or one licensed person, in a supervisory position, on duty at all times.

Wisconsin law allows the sale of alcohol between 6:00 a.m. and 2:00 a.m. during the week and between 6:00 a.m. and 2:30 a.m. on weekends.

Wisconsin has no beer key registration law or regulation

Consistent with these weak alcohol control laws and low alcohol excise tax rates, Wisconsin ranks third among the 50 states in per capita beer consumption and in total per capita alcohol consumption.

Recommendations

- ◆ **Establish a task force with representation from business, public health, alcohol and substance abuse treatment and prevention, law enforcement, and traffic safety to conduct a thorough review of all laws and regulations related to the sale of alcohol and make recommendations for changes to create a balance between business interests and public health and safety.**
- ◆ Enact legislation to restrict alcohol promotions such as Happy Hours or All You Can Drink.
- ◆ **Repeal the section of law that allows persons under 21 to drink alcohol in licensed establishments when accompanied by a parent, guardian, or spouse over 21.**
- ◆ **Increase the state excise tax on beer to a level equivalent to the national average of \$.241/gallon and dedicate revenue to science-based impaired driving and alcohol abuse prevention programs.**
- ◆ Require and enforce beer key registration.

2-E: Transportation Alternatives

Advisory

States should promote alternative transportation programs that enable impaired individuals to reach their destination without driving.

Status

In the 1993 Impaired Driver Assessment report it was noted that, “Designated Driver and Safe Ride programs are the backbone of Wisconsin’s impaired driving prevention efforts.” The significant changes in prevention resources and programs described in previous sections of the current report demonstrate a change in this status relative to other prevention strategies. At the same time, two changes have occurred in relation to these programs. First, Act 109, enacted in 2001, provides \$5.00 of every OWI fine surcharge to the Tavern League Foundation to operate Safe Ride programs. Localities can apply for these funds and must match them dollar for dollar.

Drinkers can get rides home in cabs using a voucher system. There are currently 31 such programs. These programs include some safeguards, such as allowing only rides home, not to other establishments. On the other hand, the Tavern League convinced one Sheriff to change a poster that read, “Free Ride in a Sheriff’s Car If You Drink and Drive” to “Free Ride in a Sheriff’s Car for Drunk Drivers.” The message from this wording is that while impairment begins well below the legal limit of .10 BAC, it is safe to drive up to the point of being “drunk.”

A second alternative transportation program is a demonstration grant based on social marketing principles. The “Road Crew” program is targeted at 21 to 34 year olds, especially males. While the principle of targeting messages is laudable and, from the perspective of ride utilization, appears to be working well, one of the target audience “preferences” was determined to be rides to and between, as well as home from bars and taverns. While this approach provides a “safe ride” for drinkers, it creates a situation where the potential reduction in one risk, i.e., impaired driving, creates increased convenience for drinking and enables increased alcohol consumption by the same target population that suffer the highest rates of numerous alcohol-related health, legal, and interpersonal problems. Intoxicated individuals who arrive home safely are exposed to increased risk of falls, burns, cuts, and other unintentional injuries, alcohol poisoning, violence against or from a spouse or other members of their household, and a variety of other acute consequences of alcohol consumption. In addition, chronic heavy alcohol consumption is related to cirrhosis, heart disease, cancer of the throat and esophagus, liver cancer, acute gastritis, and many other chronic illnesses. It appears that these programs are being implemented without regard to these significant potential collateral health and safety consequences.

Recommendations

- ◆ **Evaluate Safe Ride programs to determine their effects on impaired driving as well as secondary effects such as alcohol-related injuries or illnesses resulting from acute intoxication and/or chronic alcohol use.**

- ◆ Eliminate the components of safe ride programs that provide rides to or between bars or taverns.

3. DETERRENCE

Deterrence programs seek to reduce impaired driving through activities that create the maximum possible fear of arrest and punishment among persons who might be tempted to drive under the influence of alcohol or other drugs. Close coordination with law enforcement agencies at the municipal, county and state levels is needed to create and sustain the fear of arrest. Equally close coordination with courts and the motor vehicle licensing and registration agency is needed to enhance the fear of punishment. Effective use of all available media is essential to create and maintain a strong public awareness of impaired driving enforcement and sanctions.

Each state should implement a system of programs to deter impaired driving. The deterrence system should include legislation, public information and education, enforcement, prosecution, adjudication, criminal sanction, alcohol and other drug screening/diagnosis/referral to treatment, driver licensing and vehicle registration activities.

[Note: Some of this material is also addressed in Section 4: Driver Licensing and Section 5: Treatment and Rehabilitation.]

3-A: Laws to Deter Impaired Driving

Advisory

States should enact laws that define and prohibit impaired driving in broad and readily enforceable terms, facilitate the acquisition of evidence against impaired drivers and permit a broad range of administrative and judicial penalties and actions.

Status

Wisconsin has a wide-ranging and very complex statutory scheme to deal with impaired driving (OWI) and related issues. The first offense of impaired driving is not a crime but is a civil forfeiture action. It is the intent of the Wisconsin law that there be no possibility of jail or any possibility of criminal penalties, such as probation, attached to the first and, sometimes second, OWI offense. The driver pays a civil forfeiture, costs and fees. The statute also provides for the administrative suspension of driving privileges, although the driver is immediately eligible for an occupational license. The second impaired driving offense will be a criminal misdemeanor if committed within ten years of the first. If ten years or more have elapsed since the first offense, then the second offense is treated as a first time offense and is a civil matter. However, if a person has a third offense, even if it is outside the ten year period, it will be counted as a third offense.

A second offense within ten years of the first and the third and fourth offenses are misdemeanors. Fifth and subsequent impaired driving offenses are felonies. Other provisions provide for lower permissible blood alcohol concentration (BAC) for subsequent offenders and doubled penalties for the presence of a child under 16 in the vehicle. The statutes against homicide or injury by intoxicated use of a vehicle provide the defendant with the following

affirmative defense: “if he or she proves by a preponderance of the evidence that the death (or great bodily harm) would have occurred even if he or she had been exercising due care and he or she had not been under the influence of an intoxicant or did not have an alcohol concentration described in ...[the statute].” The State has an implied consent law and the law enforcement officers are authorized to designate the test offered, at state expense, as well as to have blood drawn involuntarily.

The State has adopted the .10 BAC as the presumptive level for the majority of alcohol-related cases not involving an underage drinker. The legal drinking age is 21. The State has an underage drinking law that provides no alcohol consumption for a person under 21 years of age unless accompanied by a parent, guardian, or spouse who is over 21. The penalties are minimal if one reads through the alternatives of the statute. The immediate suspension of the driver’s license on first offense has the alternative of an immediate occupational license.

The impaired driving statutes are remarkable in the following ways:

- The treatment of operating while impaired/intoxicated as a civil offense;

- The prohibition of the use of probation to assure compliance with the court’s orders or as monitoring of the defendant for the civil and misdemeanor offenses;

- The immediate right to an occupational driver’s license upon the administrative license suspension on first offense;

- The allowed use of the ignition interlock device and vehicle immobilization without provisions for practical implementation; and

- The payment by a state fund from the OWI surcharge for transportation for drinkers to get rides home from taverns rather than drive themselves home.

While in substantial agreement as to the complexity of the laws in Wisconsin, the presenters were not equally satisfied as to the effectiveness of the statutes, either as deterrents or as rehabilitative measures. There was some variance in the descriptions of the actual application of the statutes. The assessment team heard one person describe the civil OWI law as nothing more than a giant parking ticket. The deterrent effect of a parking ticket is not as great as that of a criminal charge. Others lamented the fact that there are no mechanisms to compel compliance with orders and that the orders are not self-executing. This appears to be a reason why the orders for interlock and vehicle immobilization are not as favored as one might expect. Overall, there appears to be a wide range of concerns about the effectiveness of the current alcohol enforcement and OWI statutes. A frequently mentioned statute permits legal alcoholic beverage service to children of any age under certain circumstances. The effects of that statute have never been investigated. The presentations reflected an increasing concern with the failure to reduce the alcohol and other drug impaired driving. Several of the presenters also highlighted the need for statutory changes to allow more effective enforcement and prosecution for driving with drugs.

The overall statutory scheme for OWI is weighted toward the minimalization of earliest alcohol related and OWI offenses, and the discouragement of enforcement, prosecution, and adjudication of OWI by drugs. With the recognition that resources are scarce and precious, research is needed to determine the level of effectiveness of the civil OWI statute as a deterrent or rehabilitative mechanism in comparison to the deterrent effect of a first time criminal statute. In addition, the assistance of a task force is needed to review all applicable research and all of the existing statutes for effectiveness and clarity. This would allow the task force to draft a comprehensive and less complex statutory scheme to achieve the desired reduction of OWI.

Recommendations

- ◆ **Enact legislation that will reduce the current .10 statutory BAC limit to .08.**
- ◆ **Design and carry out research with NHTSA assistance to determine the effectiveness of the civil OWI statute and any other questionable statutory provisions, such as the permitted minor service of alcohol.**
- ◆ Create a high-level state task force to review existing OWI statutes and draft a model OWI Wisconsin statute. In addition, the advice of national experts in the research and evaluation of impaired driving statutes should be utilized.
- ◆ Enact any OWI statutory changes that are found likely to be more effective than the existing set of statutes.

3-B: Public Information and Education for Deterrence

Advisory

States should implement public information and education (PI&E) programs to maximize the public's perception of the risks of being caught and punished for impaired driving.

Status

The Bureau of Transportation Safety (BOTS) has established a goal to decrease the number of alcohol- and drug-related motor vehicle deaths and incapacitating injuries to 1,219 by 2003, to 1,023 by 2005, and by 845 to 2007.

In order to achieve the above goal, BOTS has developed numerous strategies, including training of law enforcement, community empowerment, and involvement in public information campaigns.

During 2003, BOTS will be developing a PI&E campaign with the objective of increasing the knowledge and ultimately changing the behavior of the public regarding impaired driving. BOTS is working with the University of Wisconsin – Madison Business School to assist in developing programs that target impaired drivers in the 21-34 year old age group.

BOTS has a staff position that is dedicated to public information and education. As a part of the Wisconsin Department of Transportation, BOTS works very closely with Communications specialists. However, there is a sensitivity regarding dissemination of pertinent traffic safety information to the general public.

Several presenters commented on the importance of changing the attitude of the public on impaired driving. No speaker discussed surveying the public on attitudes and expectations in reference to impaired driving. Public opinion surveys are a resource that is very effective when developing public information campaigns. Further, regional town hall meetings are an effective method to gain input from the public and create change in the community.

The BOTS Youth Alcohol Program Manager has developed a plethora of programs and materials that are designed to reduce underage impaired driving. It is recognized that all youth programs are unique and no one approach is effective for every community. For example, the “Every 15 minutes” program is a two-day event that focuses on high school juniors and seniors. This program challenges them to think about the consequences of drinking. Programs, such as youth alcohol conferences to educate college age youth on impaired driving issues, have also proven to be effective.

BOTS has developed and funded highway safety programs with a variety of public agencies. It is not apparent, however, that partnerships with private sector groups, such as telecommunications industry, motion picture theaters, winter sport companies, etc., are well represented. Such partners would be valuable in assisting with a unified statewide OWI campaign.

Mothers Against Drunk Driving (MADD) and other advocacy groups work independent of BOTS in their public information efforts to decrease alcohol-related motor vehicle fatalities. MADD recommends a statewide public awareness campaign with the objective of reducing impaired driving.

A Governor's Task Force on Impaired Driving could facilitate a variety of organizations and individuals who desire to work toward reducing OWI within the State. Such task forces are usually comprised of representatives from federal, state, and local law enforcement, media, safety organizations, employers, educators, medial professionals, and the insurance industry.

BOTS participates in a variety of public information and outreach programs. However, there is no statewide PI&E plan focusing specifically on reducing OWI.

BOTS publishes a quarterly newsletter, the Traffic Safety Reporter (TSR). This newsletter serves as another communications link between BOTS and the traffic safety community, including grantees, law enforcement, health and medical professionals, advocates, government officials, and the media. It should be noted that BOTS currently funds the Resource Center Report that is produced by the Resource Center on Impaired Driving. The focus of this publication is different than a quarterly newsletter.

A current noteworthy public awareness program is "Mobile Eyes." This program encourages citizens to report impaired driving to local law enforcement agencies. This is a unique program that is very successful.

There are 450 law enforcement agencies throughout the State that are involved in the DARE project.

Media reporting and relationships across the State are inconsistent. There were concerns that the print media was not interested in reporting incidents involving the impaired driver.

The State of Wisconsin has several professional sports teams. There is an opportunity for BOTS to partner with these teams. Activities could include appearances at traffic safety conferences, placement of articles in industry publications, and production and distribution of public service announcements on television and radio featuring celebrities and athletes.

Recommendations

- ◆ **Establish a Governor's Task Force on Impaired Driving.**
- ◆ **Develop a statewide comprehensive public information and education campaign to reduce OWI injuries and fatalities.**
- ◆ Continue to publish a newsletter to strengthen public information and education efforts.
- ◆ Consider developing a youth-oriented program similar to "Every 15 minutes."

- ◆ Continue the public relations position that is a member of the BOTS staff.
- ◆ Encourage the media to publicize pertinent events and OWI efforts.
- ◆ Develop a partnership with private sector companies to increase OWI public awareness.
- ◆ Develop regional town hall meetings and conduct public opinion surveys to increase OWI educational efforts.
- ◆ Appoint a liaison to the Wisconsin Broadcasters Association.

3-C: Enforcement

Advisory

States should implement comprehensive enforcement programs to maximize the likelihood of detecting, investigating, arresting, and convicting impaired drivers.

Status

In the State of Wisconsin, Operating While Intoxicated (OWI) laws are enforced within their jurisdictions by a majority of the State's law enforcement agencies.

The Bureau of Transportation Safety has promoted and implemented a variety of successful OWI enforcement programs. Testimony revealed that most law enforcement agencies are committed to reducing impaired driving and alcohol-involved injury and fatal collisions. However, resources for traffic patrol operations vary among jurisdictions.

With this in mind, BOTS has developed strategies to provide resources through selective enforcement efforts. BOTS is funding alcohol saturation patrols in 27 counties that include 60 municipalities and four Wisconsin State Patrol districts. These saturation patrols will ultimately reach 75 percent of the State's population.

The State has a vehicle seizure and forfeiture law for repeat offenders. However, it appears the law has minimum support from law enforcement, prosecutors and the judiciary.

BOTS supports the traffic law enforcement task force that is an advisory body of state and local enforcement officers representing approximately 32 law enforcement agencies in Wisconsin. This organization meets quarterly. There is a Wisconsin Traffic Safety Officers Association that is being reorganized. This group shares information and resources relating to traffic enforcement and education.

The Wisconsin Police Chiefs Association support impaired driving enforcement and has taken positions on a number of emerging issues. This group supports the .08 per se Blood Alcohol Concentration (BAC). It should be noted that studies indicate a six to eight percent decrease in motor vehicle fatalities when per se laws are reduced to .08.

Law enforcement officers are trained in Standard Field Sobriety Testing (SFST) during academy or in-service training.

BOTS has approved funds for a variety of equipment for law enforcement officers to detect impaired drivers. This technology includes mobile video cameras and preliminary breath testing devices. Additionally, funding is provided to state and local agencies for overtime OWI enforcement.

Sobriety checkpoints have proven successful in many other states, but are currently not allowed by Wisconsin statutes. However, checkpoints are lawful in the recreational areas of the State and

are occasionally used by the Department of Natural Resources.

Some law enforcement personnel commented on the extensive paperwork required for OWI arrests. The Department of Natural Resources has developed an Intoxicated Enforcement Kit that should reduce the time necessary for processing arrestees.

A review of the literature and testimony from law enforcement officials indicates that enforcement of youth impaired driving laws is not a priority.

The State of Wisconsin has 70 officers in 34 agencies that are trained as Drug Recognition Experts (DRE). DRE trained officers are able to effectively detect individuals impaired by drugs other than alcohol. DREs are utilized statewide. Additionally, some courts will not accept DRE testimony as evidence of impairment. Nevertheless, BOTS is committed to the DRE program and has earmarked funds for additional training.

The Wisconsin State Patrol enforces commercial motor vehicle laws and has developed programs to reduce commercial impaired driving. Specifically, the Wisconsin State Patrol Watch Program was developed in partnership with the Wisconsin Motor Carriers Association. Trained commercial motor vehicle drivers identify highway safety problems such as OWI and notify the State Patrol using the Highway Watch network.

Law enforcement agencies in Wisconsin are committed to enforcing OWI laws. However, many agencies are severely affected by a lack of personnel due to budget issues. Many agencies do not deploy dedicated traffic units; therefore, traffic enforcement is not consistent.

BOTS is demonstrating leadership with a strong Police Traffic Services program. BOTS has been responsive by supporting or implementing several recommendations from the last Impaired Driving Assessment. Further, the Governor's Conference on Highway Safety and other conferences are an effective means to disseminate information and develop partnerships.

BOTS has four law enforcement liaisons that are responsible for outreach in the law enforcement community. Although there are four liaisons, it appears that there are opportunities for better coordination between law enforcement agencies. This coordination could be facilitated by the Wisconsin Police Chiefs Association or a new task force comprised of personnel at the rank of Chief.

A reallocation of existing resources, or accessing new funds from BOTS interest groups such as MADD or special programs from other sources would allow Wisconsin law enforcement agencies to operate more efficiently and effectively. Legislation could permit money collected for fines to be dedicated in part to OWI enforcement.

Recommendations

- ◆ Continue to fund DRE training.
- ◆ Support .08 per se legislation.

- ◆ **Support development of an OWI task force that will be comprised of police chiefs and law enforcement administrators.**
- ◆ **Encourage law enforcement agencies to make OWI a priority.**
- ◆ Support legislation to fund OWI task force from fines.
- ◆ Support legislation to permit sobriety checkpoints.
- ◆ Develop youthful offender enforcement programs.
- ◆ Continue to fund saturation patrol programs.

3-D: Prosecution

Advisory

States should implement a comprehensive program for visible and aggressive prosecution of impaired driving cases.

Status

The prosecution of OWI offenses is handled at two different levels and by two groups of attorneys in Wisconsin. The legislative designation of an OWI offense as a civil forfeiture action for the first, and sometimes the second offense, compounds the confusion around the OWI prosecution effort. One of the challenges mentioned by law enforcement officers is that often no prosecutor or municipal attorney is present during the court hearing. The municipal attorney handles the civil offense of first time OWI in the municipal courts, and the district attorney only prosecutes in the cases that are criminal and in circuit court. The confusion in the system is hard to capture in the scope of this report, but one example may provide some illumination. The first time OWI is filed as a civil forfeiture case in municipal court. The defendant may not even have to appear depending on the court rule. If the defendant wants to continue legally driving while suspended, the person is eligible to apply for an occupational license from the DMV with no waiting period. If there is any attorney involved in prosecuting the civil case in municipal court, that attorney is the municipal attorney.

Wisconsin allows the judicial review of the license action to be conducted by the circuit courts while the action civil first-time impaired driving case is in the municipal courts. This results in the city or town attorney handling the civil case that results in the actual adjudication of the impaired driving offense while the prosecutor defends the license action in the circuit court. The concern with this approach is how to best use the scarce resources most effectively. Placing the responsibility for both the adjudication of impaired driving, as well as the license action in the same court with the same attorney handling the matter, would appear to allow more effective use of the attorney's time.

There is also a great deal of concern about the determination of the blood alcohol concentration (BAC). One half of all alcohol concentration tests are performed on breath and one half on blood. The State Laboratory of Hygiene tested over 19,000 blood samples last year. The State has spent significant resources on purchasing new breath test instruments and now there is prosecutorial resistance to using the breath test for evidentiary purposes. The barrier to prosecution and adjudication without a reliably admissible BAC is a significant one. The economy and the State's fiscal situation is a pressure to move to the less expensive breath test. However, the question of drugged driving is also an emerging issue. The information presented was that the blood samples are not being screened for other drugs because of expense. One approach to gaining a better understanding of the prevalence of drugged driving in Wisconsin would be to design a study along the lines of the National Institute of Justice program, "Arrestee Drug Abuse Monitoring (ADAM)." The expense of acquiring the samples and the effort in acquiring them is already incurred due to the OWI arrest. For the relatively small additional investment, Wisconsin could screen and test the target population, drivers, and gain knowledge

about the incidence of driving with alcohol plus other drugs in Wisconsin.

Enforcement of the impaired driving of recreational vehicles is a responsibility of the Department of Natural Resources (DNR). The DNR takes this seriously and has a laudable prevention effort. These offenses are prosecuted but do not result in a driver license action.

While the assessment done in 1993 noted good cooperation between prosecutors, law enforcement, and judges, such cooperation was not the focus of the presenters this time. In fact, while personal relationships appear to be very good, the need for data exchange and increased communications of records was highlighted. It is not clear how the prosecutor's PROTECT information management system works with the courts, motor vehicles, and other records systems. It is clear that the two-tier system of mixing defense and prosecution roles, elected and appointed, part-time and full-time is producing some disconnects. It is difficult to delineate responsibilities. It is also clear that the district attorneys currently do not have adequate resources to add the responsibility of prosecuting all OWI offenses even though that could solve many problems.

The need for enhanced educational opportunities for the district attorneys and the municipal attorneys was mentioned at several points. The 71 district attorneys, elected by county, are served by the State Prosecutors Office. The office is housed in the Wisconsin Department of Administration and provides administrative and technical services to the district attorneys. It is not clear which educational opportunities are offered to the municipal attorneys and which are offered to the district attorneys. There appears to be one training a year to which both are invited. However, some of the municipal attorneys are part-time and defend OWI cases in the circuit courts. Training the part-time defense/municipal attorneys is objected to by some of the full-time attorneys.

Recommendations

- ◆ Design and deliver the necessary educational opportunities to the district attorneys and municipal attorneys to improve the prosecution of OWI cases.
- ◆ Include the district attorneys in the task force (See Section 3-A) to research and consider the development of a model Wisconsin OWI code.
- ◆ **Engage the prosecutors in the resolution of the blood/breath testing issue as soon as possible by providing the resources to facilitate the discussion in a positive and constructive fashion.**
- ◆ Include the prosecution needs in the development of the records system.
- ◆ Place all OWI caseload responsibilities with the district attorneys and give them adequate resources to manage that caseload.

3-E: Adjudication

Advisory

States should implement a comprehensive impaired driving adjudication program to ensure the effectiveness of prosecution and enforcement efforts.

Status

Wisconsin has two separate and distinct court systems. The local courts, municipal courts, are courts of limited jurisdiction. About one half of those judges are law trained. The state funded, locally elected judges are the judges of the circuit courts. These courts have unlimited jurisdiction. All of the judges are law trained. However, the two-tier system causes confusion and inefficiency. If one court or the other handled all of the OWI cases, records, educational, and other resources could be concentrated rather than spread between the two systems. As explained in Section 3-D of this report, the duality of the system has caused a lack of coherence in the impaired driving adjudication. The clear intention of the Wisconsin legislature has been to remove as much of the OWI discretion as possible from the trial court judge. Understandably, this has caused some frustration to the conscientious judges who want to see the adjudication of impaired driving improved. This was noted in the 1993 assessment as a problem and it appears to remain. The good news is that Wisconsin has judges who are interested in the quality of the adjudication process and are willing to invest their time and energy in making improvements. The remarkable and rare resource of judicial interest and energy to improve the adjudication of OWI offenses needs to be captured. The previous assessment recommended the continuation of the consensus formed by the Task Force on Repeat Offenders on impaired driving issues. That recommendation appears to not have been followed.

The need for statutory changes, the need for information access, and the need for educational opportunities were discussed. There is court monitoring underway in Wisconsin, but only on a local ad hoc basis. If the courts are going to be monitored by advocacy groups, then the judges need to plan a way of disseminating information to the groups so that the monitoring is constructive and not adversarial.

Judges are not allowed to use probation in OWI misdemeanor cases. They have no ability to monitor the compliance with their orders.

As discussed in Section 3-D, a continuing issue is the admissibility of the blood alcohol concentration and whether breath test is as reliable as the blood testing. This appears to be a barrier with significant fiscal impact in the trial of the OWI cases.

At the 1993 assessment report, the judges noted the limitations and problems with a multi-tiered system of standards and variable penalties. While the statutes have been changed, the problems in delivering a clear deterrence message remain.

Recommendations

- ◆ **Form a judicial workgroup charged with researching, planning, and achieving needed improvements for the improvement of adjudication of OWI. Staff support should be provided by BOTS.**
- ◆ Provide guidelines and training to support the constructive and ethically appropriate interactions between judges and advocacy and monitoring groups.
- ◆ Work with the Office of the State Courts Administration to secure additional judicial education opportunities, particularly to help dispel the confusion around the evidentiary issues of the blood alcohol concentration.

4. DRIVER LICENSING

Motor vehicle administrators are in a unique position to address highway safety problems. They routinely come in contact with every driver on a formal basis. Programs implemented by the motor vehicle agency can prevent or deter the incidence of impaired driving as well as effect the treatment and rehabilitation of impaired drivers. For example, controls in the licensing process can prevent the issuance of a license to an individual with an alcohol or other drug problem and the use of administrative license revocation (or suspension) can deter impaired driving.

4-A: Prevention

Advisory

Each state should have a licensing/registration system that reinforces the deterrence and prevention of impaired driving, as well as fosters the treatment and rehabilitation of impaired drivers.

Status

Driver licensing and control activities for the State's 3,835,549 licensed drivers are administered by the Division of Motor Vehicles (DMV), an agency within the Wisconsin Department of Transportation (WisDOT). The DMV has instituted a number of programs and initiatives directed at the deterrence and control of problem drivers particularly those who drive while impaired.

BOTS has a comprehensive and varied information dissemination program related to impaired driving in particular and the agency's many activities addressing driver licensing issues in general. It disseminates informational brochures, messages, and pamphlets to the general public. When the "Absolute Sobriety" law was passed, the DMV incorporated information into its Graduated Driver Licensing (GDL) materials to advertise the new law to the youth of the State. It has participated in safety campaigns by using its licensing stations as outlets for the placement of campaign materials. It routinely maintains information on its web site for public access. It produces PSAs such as the one targeted to parents and teens regarding the GDL law.

The State passed a GDL law in 1999. The provisions approximate those generally regarded as minimum requirements to produce the desired reduction in crashes involving youth. There are three stages of licensing: Learner Permit, Probationary License and Regular License. There are various restrictions and conditions to be met during each phase and for advancing to the next stage including: hours of supervised driving, driver education course completion, restrictions on passengers, nighttime driving restrictions, remaining violation free, etc. Some of these restrictions were not included in the original law and the State is to be commended for its continual addition of new restrictions and provisions to improve the GDL program. The State is currently conducting an evaluation of the program. It has not been completed, but preliminary statistics indicate a downward trend in crashes involving youth. One change that could further strengthen the program would be to restrict nighttime driving to begin at 9:00 p.m. instead of midnight. National statistics show that most teenage crashes occur between 9:00 p.m. and

midnight. Statistics were not available to determine the predominant hours for teenage crashes in Wisconsin.

The State also issues distinctive licenses to drivers under 21 years of age. The licenses contain colored markings different from adult licenses as well as specific wording to indicate that the driver is under 21 and on what date the individual will become 21 years of age.

The BOTS has printed and disseminated an informational guide to help alcoholic beverage sellers in recognizing Fake, Altered, and Borrowed Ids, titled *The F.A.B. ID Check*. The DMV also trains examiners in its licensing stations in the recognition of fraudulent documents.

The DMV operates a typical driver improvement program that monitors drivers' records for initiation of driver improvement actions including license suspension and revocation actions for OWI convictions (see Section 4-B), suspensions for accumulation of points assigned for various traffic law violations, and revocations under the State's Habitual Traffic Offender law.

Revocation periods for OWI convictions are as follows:

- 1st = 6 to 9 month suspension, may apply for occupational license immediately.
- 2nd = 12 to 18 months revocation, occupational license available after 60 days
- 3rd = 2 to 3 years revocation, vehicle must be immobilized or equipped with Ignition Interlock Device (IID) or seized, occupational license after 90 days.
- 4th = same as for 3rd
- 5th or more = same as for 3rd and 4th.

Points are assigned for convictions received from the courts. The points vary according to the type of offense, e.g., two points are assigned for a minor violation while six points are assigned for OWI and reckless driving. License suspension occurs upon accumulation of 12 points in a one-year period. A "warning letter" is automatically generated by the driver records system upon accumulation of six points. Of interest is the practice of giving out a "Point System Pamphlet" by officers when issuing a traffic citation.

License revocation becomes automatic upon accumulation of four "major" violations, or a combination of 12 minor and major violations, within a five-year period under the State's Habitual Traffic Offender statute.

The State has a Medical Advisory Board that establishes physical and health standards for licensing and reviews individual cases when appeals are received from those denied licenses for medical reasons. The DMV also has established a process for reporting drivers whose medical condition may affect their ability to safely operate a motor vehicle.

Recommendations

- ◆ Change the nighttime driving restriction for youth to begin at 9:00 p.m.

4-B: Deterrence

Advisory

The state driver licensing agency should support the passage and implementation of laws to deter impaired driving.

Status

The State has several statutes governing the imposition of sanctions and penalties, both judicially and administratively, for impaired driving. Those laws covering the judicial processing of OWI offenders are addressed in Section 3-A of this report. This section focuses on the authority granted to the State's Division of Motor Vehicles (DMV) to administratively suspend drivers' licenses under 343.305(7) of the State's Implied Consent Law.

Upon an arrest for Operating While Intoxicated (OWI), an offender who submits to a Blood Alcohol Concentration (BAC) test and whose test result is at or above the legal limit (BAC of .10 for drivers 21 years of age or older .08 for offenders with two prior OWI's, .02 for third and subsequent offenders, .04 for commercial vehicle operators, or at any level for drivers under age 21), is subject to an administrative license suspension. The officer, in addition to issuing the citation, takes the individual's driver's license and gives him/her a copy of a Notice of Intent to Suspend that serves as a temporary license valid for 30 days. The offender is also informed of his/her rights under the Implied Consent statute to request an administrative hearing before a DMV Hearing Officer. Hearings must be requested within 10 days of the arrest and must be held within 30 days. In 2001, of the 29,975 OWI cases received 5,029 hearings were scheduled resulting in 4,311 being upheld and 984 vacated.

Licenses suspended administratively remain suspended for six months for adult drivers and 90 days for underage drivers. Periods of suspensions taken administratively do not increase with increased numbers of OWI arrests. Licenses are suspended for six months for any OWI arrest regardless of the number of prior arrests on the driver's record. Increased periods of suspension or revocation only apply as the number of court convictions increase.

Offenders who refuse to submit to a blood alcohol concentration test are not subject to administrative suspension. However, upon conviction these offenders are subject to much longer mandatory court ordered license revocation penalties.

One of the problems noted concerned the burdensome paperwork required in processing an OWI arrest. While testimony from the law enforcement community generally accepted the paperwork requirements as part of the job, it is nevertheless a significant and time-consuming amount of documentation. Inasmuch as there is an effort underway (see Section 1-D of this report) to automate much of the enforcement data collection activities, including generation of citations, there is an opportunity to develop procedures for similar automated generation of the documentation for OWI arrests.

It also must be noted that the authority granted for administrative suspension of drivers' licenses is restricted to arrests for BAC test failure and does not include the same authority for BAC test refusal as allowed in other states. The State does enjoy an excellent OWI conviction rate for OWI offenses (approximately 92 percent for test failure and approximately 94 percent for test refusal in 2001), but expanding the authority for administrative suspension or revocation to include refusals would guarantee swift and certain license removal. Testimony indicated that often the judicial outcome of an OWI case depends on the BAC results. This suggests that refusal cases are more vulnerable to not resulting in a conviction, further justifying the need for administrative revocation.

On the positive side, the DMV is to be commended for its outstanding record in other areas of its handling of impaired driving offenses. For example, it far exceeds the norm in its prompt hearing of administrative review requests from OWI offenders. Almost without exception, these cases are heard within the 30 days required in statute and within the 45 days considered generally acceptable by the guidelines published by NHTSA. Further, the statutory language specifically defines and limits the issues to be considered at the hearing minimizing the opportunity for delays and appeals.

Recommendations

- ◆ Initiate cooperative efforts with those managing the automation of enforcement data collection activities to include design of automated OWI arrest documentation.
- ◆ **Consider proposing a change in the OWI Implied Consent Statutes to grant authority to DMV to administratively revoke an operator's license for refusing to submit to chemical testing.**

4-C: Program Management

Advisory

Effective management of the motor vehicle agency primarily involves the use and dissemination of the information the agency houses. Other factors that support the workings of the system must also be considered in order for it to operate at peak efficiency.

Status

The Division of Motor Vehicles (DMV) maintains a driver records system to support the agency's driver licensing and control functions. The driver records system contains the typical information such as a complete history of a driver's record, convictions for traffic violations, and licensing actions taken on those violations such as point suspensions. It also contains information not typically found in driver records systems. When OWI cases are adjudicated, the DMV receives the complete disposition record from the court that contains the original charge as well as the final outcome (guilty, not guilty, dismissed, amended, etc.) and the BAC levels recorded at arrest. Thus DMV is able to provide valuable statistics on the judicial handling of OWI cases.

Another noteworthy finding is the DMV's policy of incorporating OWI convictions from other states into the record of a newly licensed Wisconsin driver. This ensures that any prior state drunk driving convictions are considered for sanction purposes upon conviction for OWI in Wisconsin.

Currently, court disposition records are received mostly on hard copy. These are generally posted within 10 to 14 days. Only the Milwaukee Municipal Court is routinely transferring records electronically, but this accounts for only about 10 to 15 percent of all court dispositions. The Circuit Court Automation Project (CCAP) will facilitate electronic transfer of records from the circuit courts that will account for about 60 to 80 percent of the dispositions statewide. The CCAP is scheduled to be fully operational by late 2003. Municipal courts other than Milwaukee will also eventually transmit electronically by routing transactions through servers that are located in the circuit court in each county.

Previous reports have noted the problem with driver record abstracts received by the courts and law enforcement. Joint Department of Justice and DMV efforts are underway to redesign their respective systems handling the inquiries. These changes are expected to be in effect by 2005.

Recommendations

- ◆ **Assign a high priority to the Circuit Court Automation Project to expedite the completion of an electronic records transfer capability between the courts and DMV.**

- ◆ **Prioritize the redesign of the driver records inquiry system for retrieving driver record abstracts. Solicit input from the judges and law enforcement officers regarding suggestions for ease of access to and interpretation of the abstracts.**

5. TREATMENT AND REHABILITATION

Many first-time impaired driving offenders and most repeat offenders have substantial substance abuse problems that affect their entire lives, not just their driving. They have been neither prevented nor deterred from impaired driving. Each state should implement a system to identify and refer these drivers to appropriate substance treatment programs to change their dangerous behavior.

5-A: Diagnosis and Screening

Advisory

States should have a systematic program to evaluate persons who have been convicted of an impaired driving offense to determine if they have a significant alcohol or other drug use problem.

Status

Wisconsin has a systematic approach to assessment of all drivers convicted of Operating While Intoxicated (OWI) in order to determine the level of problem related to alcohol or other drug use. Known as the Impaired Driver Program (IDP), Wisconsin administrative code (Trans Rule HFS 62.04(2)) requires all drivers convicted of OWI to complete an assessment that is used to develop a Driver Safety Plan. Assessments are conducted by local agencies certified by the Department of Health and Family Services (DH&FS). There is one assessment agency serving each county.

Assessments are based upon the Wisconsin Assessment of Impaired Drivers (WAID) instrument that includes a personal interview. Remedial recommendations, Driver Safety Plan (DSP) are based upon criteria set forth in HFS 62.04 which may include the use of Uniform Placement Criteria under HFS 75.03(10). All drivers must contact an assessment agency within 72 hours of conviction. The assessor determines the level of problem, develops a Driver Safety Plan, and forwards the results to the Division of Motor Vehicles (DMV). OWI first offenders are eligible for a restricted Occupational License immediately. Multiple offenders must wait 60-90- days for an occupational license. The assessment must be completed within 14 days of the conviction before eligibility for an Occupational License. Drivers may voluntarily obtain an assessment after arrest and prior to conviction.

The assessment can result in one of several problem categorizations, each with a corresponding recommended Driver Safety Plan program level. These include:

First Offenders:

Assessment Finding:

Program Recommendation:

“Irresponsible” use of alcohol
or other drugs

Group Dynamics-traffic safety school

“Irresponsible” use – borderline

Group Dynamics – Traffic Safety School
and may include treatment programs

Suspected dependency

Treatment program not including in-patient

Dependency

Treatment programs

Dependency in remission

Treatment programs

Second offenders are subject to the same matrix except that a Multiple Offender Traffic Safety School is substituted for the Group Dynamics program.

Assessment results for 2001 are shown in the table below:

Assessment Findings

Drivers Convicted During 2001

Finding	Number	Percent
Total Assessments	30,742	100.0%
Irresponsible Use	13,180	42.9%
Irresponsible Use-Borderline	5,202	16.9%
Suspected Dependence	3,969	12.9%
Alcohol/Drug Dependence	6,529	21.2%
Dependence in Remission	1,862	6.1%

DH&FS is currently revising HFS 62.

Recommendations

- ◆ Include BAC at time of arrest and prior alcohol-related and other offenses in the revisions under HFS 62.04.

5-B: Treatment and Rehabilitation

Advisory

States should establish and maintain programs to treat alcohol- and other drug-impaired persons referred through traffic courts and other sources.

Status

Based on the assessment described in Section 5-A of this report, drivers convicted of OWI are referred to an appropriate level of intervention. A Driver Safety Plan is developed that includes treatment recommendations and timelines for completion of major milestones. Drivers are responsible for enrolling in and completing prescribed interventions. The assessment and subsequent interventions are the financial responsibility of the driver. Drivers unable to pay have fees paid by the State from the indigent fund supported by impaired driver surcharges. In 2001, there was a \$250,000 shortfall in these funds and in 2002 the deficit had grown to \$500,000. It is unclear to what extent this shortfall is a result of an increase in the proportion of drivers qualifying for indigent funds or a decrease in fine and surcharge collection.

The table below shows the distribution of treatment and intervention recommendations based on assessments. Nearly half (48.3 percent) of all drivers convicted of OWI were referred to outpatient treatment. Slightly more than one third (36.1 percent) were referred to Group Dynamics and 8.6 percent were referred to “other education programs” that include Alcohol Education, 1 Day Alcohol Education and out-of-state programs.

Types of Driver Safety Plans

Drivers Convicted During 2001

Recommendation	Number	Percent
Total Driver Safety Plans	30,742	100.0%
Group Dynamics	11,094	36.1%
Multiple Offender Safety School	1,883	6.1%
Other Education Programs	2,633	8.6%
Outpatient Treatment	14,838	48.3%
Residential Treatment	98	0.3%
Inpatient Treatment	196	0.6%

Group Dynamics is a first-offender program with a 21-hour class intended for offenders deemed not to have significant alcohol or other drug problems. Offenders pay a \$108 fee. The Multiple Offender Program is a 33-hour class for second or subsequent offenders who are still assessed as needing only education. Other levels of treatment and intervention are standard certified treatment modalities.

The current Impaired Driver Program (IDP) and the Driver Safety Plan operate essentially independent of the court system in that once an assessment is completed and a Driver Safety Plan is developed, the Division of Motor Vehicles (DMV) records the recommendation and holds the

reinstatement of convicted drivers' licenses until notification of Driver Safety Plan completion. Driver Safety Plans are generally not a condition of sentencing, thus judges do not receive information about outcomes and failure to complete recommended treatment. In addition, notification of completion triggers eligibility for license reinstatement, but failure to complete has no additional license or other consequences. Another 25 percent of drivers fail to complete treatment recommendations; all counted, approximately 40 percent of drivers convicted of OWI do not apply for license reinstatement.

Several years ago, Wisconsin eliminated funding for an IDP coordinator at the DH&FS. The position has been reinstated, in part, but funds are uncertain in future state budgets and the position at DH&FS is not currently filled.

Since 1993, Wisconsin has implemented Pretrial Intoxicated Driver Intervention Grant Programs, better known as Intensive Supervision Programs (ISP). These programs are designed to get repeat OWI offenders into treatment and monitoring as soon as possible after arrest and before conviction. The first ISP was funded with Federal 410 funds through BOTS. State funding was approved in 1997. There are currently eleven ISP programs serving 13 counties.

In order to implement a new ISP program and qualify for funding, a county is required to contribute a local portion of funding through client fees and funding from local public and private sources. Local share is supplemented based on a cost sharing formula with funds from the Pretrial ISP Support Program in the Wisconsin Department of Transportation (WisDOT), from available 410 funds and from the state-funded grant program created by the legislature in 1997 for ISP programs.

BOTS conducted an evaluation that indicated that compared to non-ISP clients, ISP clients were less likely to be re-arrested for OWI (22 percent compared to 37 percent). In addition, ISP clients who were rearrested averaged 678 days before re-arrest compared to 371 days for non-clients.

ISP eligibility and monitoring functions are not currently certified by DH&FS but are under the purview of the local courts and communities. Local programs differ in specific design but use local certified agencies for assessments and treatment.

Recommendations

- ◆ Expand the availability of Intensive Supervision Programs (ISP) for repeat OWI offenders.
- ◆ Determine effectiveness of the various ISP eligibility criteria and develop minimum standards for all ISPs.
- ◆ Determine effectiveness of the various ISP monitoring functions and develop minimum standards for ISPs.

TECHNICAL ASSISTANCE TEAM

CHIEF ARTHUR ANDERSON

11336 Trade Center Drive
Rancho Cordova, CA 95742
(916) 464-2090
alanderson@chp.ca.gov

Chief, Division Commander
California Highway Patrol

Past Experience

- Chief, Personnel and Training Division, California Highway Patrol
- Chief, Professional Standards Division, California Highway Patrol
- Assistant Chief, Golden Gate Division, California Highway Patrol
- California Governor's Highway Safety Representative

Organizations/Appointments

- California Governor's Highway Safety Representative
- Member, International Association of Police Chiefs
- Member, California Peace Officers Association
- Past Regional Representative, National Association of Governor's Highway Safety Representatives
- Past Chair, Driving Under the Influence Committee, National Association of Governor's Highway Safety Representatives
- Past Member, Mother's Against Drunk Driving (MADD) Advisory Committee
- Past Member, Mother's Against Drunk Driving (MADD) Cultural Task Force
- Past Member, California Judicial Council
- Past Member, Judicial Training, National Judicial College, Reno, Nevada

- Past Member, NHTSA, Buckle Up America Law Enforcement Campaign Committee
- Past Vice Chair, California Safety Belt Task Force

Organizations/Appointments

- National Highway Traffic Safety Administration Public Service Award

Education

- California State University, Los Angeles, Bachelor of Science degree
- University of San Francisco, Masters in Public Administration

LINDA L. CHEZEM, J.D.

530 Denny Drive
Mooreville, IN 46138
(317) 409-5050
Lchezem@aol.com

Professor
Department of 4-H Youth
School of Agriculture
Purdue University, West Lafayette, Indiana

Professor
Department of Toxicology
School of Medicine
Indiana University
Indianapolis, Indiana

Adjunct Professor
Department of Public Health

Past Experience

- Private Practice of Law, Paoli, Indiana, 1971 - 1975
- Judge, Lawrence County Court, Bedford, Indiana, 1976 - 1982
- Judge, Lawrence Circuit Court, Bedford, Indiana, 1982 - 1988
- Judge, Court of Appeals of Indiana, Indianapolis, Indiana, 1988 - 1998
- Department Head, 4-H Youth, Purdue University, West Lafayette, Indiana, 1998 - 2000

Organizations/Appointments

- Lawrence County Bar Association, 1971 - 1990
- Orange County Bar Association, 1972 - 1976
- Indiana State Bar Association, 1971 - present
- Indiana State Judges Association. 1976 - 1993
- Indiana Judicial Conference, Board of Managers, 1979 - 1989
- American Judges Association, 1979 - 1980

- American Bar Association, Judicial Administration Division, 1980 - 1999
- National Council of Juvenile and Family Court Judges, 1982 - 1998
- Indiana Council of Juvenile and Family Court Judges, 1982 - 1998

Public Service

- Task Force on Co-Occurring Mental Illness and Substance Abuse Disorders, and
- Advisory Committee Member to the Indiana Bureau for Mental Health Promotion and Addictions Prevention, Indiana Family and Social Service Administration , Division of Mental Health
- State of Indiana Addiction Services Advisory Council, 1981 - 1990
- White House Conference for a Drug Free America, 1988
- Governor's Task Force to Reduce Drunk Driving, 1982 - 1991

Consulting Activities

- Expert Panel Member, Sentencing and Dispositions of Youth DUI and Other Alcohol Offenses: A Guide for Judges and Prosecutors, NIAAA and NHTSA, 1997 - 1998
- Member of Initial Review Group for High Risk Youth Grants U.S. Department of Health and Human Services, Center for Substance Abuse Prevention, Task Force on Drunk Driving
- Member of Expert Panel, National Center for the Advancement of Prevention
- Peer Review Panels, U.S. Department of Justice
- The Adjudication of Driving While Intoxicated @ Department of Transportation, National Highway Traffic Safety Administration Program

CLAYTON E. HATCH (retired)

9266 Coachhouse Lane
Estero, FL 33928
(941) 498-9169
cehatch@peganet.com

Experience

- Facilitator and Team Leader for NHTSA Traffic Records Assessments, and Team Member for NHTSA Impaired Driving Assessments, and Safety Information systems Consultant (1997-present)
- Program Manager, National Safety Council (1992-1997) - Directed projects in support of the various safety activities of the Council including administering logistical tasks in support of the annual Traffic Records Forum, and planning and executing tasks as required under various NHTSA grants to bring about overall improvement in state traffic records systems
- Chief, National Driver Register, NHTSA (1982-1992) - Administered the National Driver Register program, a nationwide records system used by a broad spectrum of authorized groups, from both the public and private sectors, to identify and control problem drivers
- Traffic Records Program Manager (1975-1982) – Planned and directed activities to improve state and local traffic records systems, such as the Accident Data Improvement Plan (ADIP) and the Data Analysis and Retrieval Techniques (DART) projects
- Highway Safety Data Specialist (1968-1975) – Participated in projects to identify and acquire data to support traffic safety research, including working on the predecessor program to FARS, the Fatality Analysis File

Organizations/Appointments

- Chair, Traffic Records Committee, National Safety Council
- Member, American Association of Motor Vehicle Administrators (AAMVA) Telecommunications Planning and Oversight Committee
- Member, ANSI D-16 Committee on Motor Vehicle Accident Classification
- Member, ANSI D-20 Model Motorist Database Committee

ROBERT P. LILLIS

Evalumetrics Research
58 Scotland Road
Canandaigua, NY 14424
(716) 394-5811
rob.lillis@gte.net

President/Research Consultant
Evalumetrics Research

Adjunct Faculty and Director of Accident Investigation Team
University of Rochester School of Medicine

Past Experience

- Principal Investigator for the "Detection of Drugs in Injured Drivers" project, "Local Traffic Safety Program Technical Assistance Project and "Neck Injury in Rear-end Collision" Study
- Project Director, Special Highway Safety Policy Analysis Project and Youth Alcohol Study, New York State Division of Alcoholism and Alcohol Abuse
- Manager, Traffic Injury Prevention Projects, New York State Department of Health
- Project Director, Comprehensive Community Traffic Injury Prevention Project
- Instructor of Epidemiology, New York State School of Public Health, State University of New York at Albany
- Acting Director of the Planning, Research, and Evaluation Unit, Illinois Dangerous Drugs Commission
- Research Assistant, National Action Committee, U.S. Office of Education National Drug Abuse Project

Consulting Activities

- Evaluation Consultant, Partnership for Ontario County, Comprehensive Community Alcohol, Tobacco and Other Drug Abuse Prevention Program
- Evaluation Consultant, Finger Lakes Drug Court
- Evaluation Consultant, Western New York United Against Alcohol and Drug Abuse

- Special Consultant to the U.S. General Accounting Office: Methodological reviews of minimum drinking age laws (1985); motorcycle helmet laws (1991); and Mandatory seat-belt laws (1992)
- Evaluation Consultant to Rockland County, New York, Children at Risk Project (Funded by the U.S. Office of Substance Abuse Prevention)
- Evaluation Consultant to Project Survival, National Center for the Furtherance of Jewish Education, Crown Heights Brooklyn, New York
- Consultant to the Rural Drug Abuse Study, Conducted by B.R.X., Inc., for the National Institute of Drug Abuse
- US DOT NHTSA Impaired Driving Assessment Team: Maryland, Arizona, California, Texas, Connecticut, West Virginia, Wisconsin, New Mexico, Minnesota, North Carolina, Oregon, Tennessee, Missouri, Delaware, North Dakota, Montana, Utah, Ohio, South Carolina

Organizations/Appointments

- Member, Mothers Against Drunk Driving, National Cultural Diversity Task Force
- Member, International Committee on Alcohol Drugs and Traffic Safety
- New York Governor Carey's Task Force on Drunk Driving
- Former Membership Chair, Section on Alcohol and Drug Abuse, American Public Health Association
- Former Member, Executive Committee of the Council on Alcohol Policy, National Association of Public Health Policy
- Chairman, Evaluation Committee, American Red Cross Cholesterol Screening Pilot Study

SHERIDAN RHOADS

5211 MacKenzie
Kewadian, MI 49648
(231) 264-5333
slrhoads@att.net

Experience

- Safe Schools Program Coordinator, Michigan State University
- Assistant Director, Michigan Governor's Highway Safety Office
- Alcohol and Driver Education Program Manager, Michigan Governor's Highway Safety Office
- Transportation Safety Supervisor, Alpena Schools, Michigan

Organizations/Appointments

- Chair, National Association of Governor's Highway Safety Representatives (NAGHSR)
- Faculty Member, NAGHSR, Executive Management Course
- Secretary, NAGHSR
- President, Michigan Driver and Traffic Safety Education Association

Consulting Activities

- Conducted Traffic Safety Training Assessment for Virginia's Highway Safety Office
- Developed and delivered a professional development workshop for the National Association of State Motorcycle Safety Administrators
- Conducted a parent survey of Michigan's Graduated Driver License Program
- Team Member for NHTSA Motorcycle Safety Program Assessment in West Virginia
- Team Member for NHTSA Impaired Driving Assessment in West Virginia
- Team Leader for NHTSA Impaired Driving Assessments in North Carolina and Minnesota

AGENDA

Wisconsin Impaired Driving Program Reassessment

March 30 – April 4, 2003

Sunday

March 30, 2003

3:00 to 6:00pm

State Presentation

Guest List

Informal Get-Together

John Evans

James Downey

Don Hagen

Joe Maassen

Tara Schipper

Carol Karsten

Mary Miller

Blinda Beason

Frank Huitt

Martha Florey

Monday

March 31, 2003

Topic: Public Information & Education for Prevention

8:00 to 9:00am

Linda Hale, Department of Health &
Family Services (DH&FS)

Topic: School Programs & Youth Initiatives

9:00 to noon

Steve Fernan, Department of Public
Instruction (DPI)
Claude Gilmore, DH&FS
Ronda Kopelke, Project Forward
Patti Wise, UW Rock County
Mary Torstveit, UW La Crosse
David Sanchez, Underage Violator Program
Blinda Beason, Bureau of Transportation
Safety (BOTS)
Ron Thompson (BOTS)

12:00 to 1:00pm LUNCH

Topic: Employer Programs

1:00 to 2:15 pm

Joan Fernan, former BOTS
Bill Arnold, Quad Graphics
Ernie Stetenfeld, AAA
Joe Maassen, OGC

Topic: Responsible Beverage Service
2:15 to 3:15pm

Barb Schuler, Wis Technical College Board
Roger Johnson, Department of Revenue
Stephanie Bradley/Wilson, Madison Police
Department (PD)

3:15 to 3:30pm BREAK

Topic: Transportation Alternatives
3:30 to 4:15pm

Pete Madland, Tavern League of Wisconsin
Mike Rothschild, 21 – 34 Year Old Project

Topic: Deterrence – Laws
4:15 to 5:15pm

Tara Schipper, Resource Center
John Sobotick, OGC
John Ainsworth, Representative

**Tuesday
April 1, 2003**

Topic: Deterrence – PI&E
8:00 to 8:30am

Sgt. Gordy Disch, Dane County PD
Kim Rudat, District 3

Topic: Deterrence – Enforcement
8:30 – noon

Supt. Dave Collins, Wisconsin State Patrol
Sgt. Bob Hillman, Milwaukee SD
Bill Engfer, DNR
Chief Charles McGee, Watertown PD
Lt. Tim Moore, Polk County Sheriff
Department (SD)
Lt. Rob Abraham, La Crosse PD
Paul Nell, Dodge County SD
Mary Miller, BOTS

12:00 to 1:00pm LUNCH

Topic: Prosecution
1:00 to 2:00pm

Chris Mutschler, Defense Attorney
Mike Bundy, Deputy DA, Waukesha
County

Topic: Adjudication
2:00 to 3:15pm

James Gramling, Milwaukee Muni Court
John Siefert, Milwaukee Circuit Court

Topic: Adjudication (con't)
2:00 to 3:15pm

John Hoffmann, Waupaca Circuit Court
Todd Meurer, Dane Court Commissioner

3:15 to 3:30pm

BREAK

Topic: Driver Licensing
3:30 to 4:15pm

John Alley, DMV

Topic: Treatment & Rehabilitation
4:15 to 5:15pm

Greg Levenick, DH&FS
John Hyatt, Impact via phone
Mark Seidl via phone

**Wednesday
April 2, 2003**

Topic: Program Management
Evaluation/Data Records
8:00 to 9:30am

Anna Biermeier, Division of Motor Vehicles
(DMV)
Pat McCallum, DMV
Dennis Hughes, BOTS
Martha Florey, BOTS

Topic: State & Local Task Forces
9:30 to 10:30am

Capt. Mike Keller, Port Washington PD
Sgt. Bill Rippl, Neenah PD

10:30am to 10:45am BREAK

Topic: Advocacy/Organizations
10:45 to 12:45am

Kari Kinnard, MADD
Linda Janick, SADD via phone
Karen Tarney, CANDID via phone
Ed Williams, ABATE
Dave Rohlfing, MICAH

**Friday
April 4, 2003
8:30am**

Report Out